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TAGS: [UNSC](#) [PREL](#) [GG](#)  
SUBJECT: GEORGIA - GUIDANCE ON U.S. RESPONSE TO UN  
NON-PAPER

REF: A. A. USUN 326  
[1](#)B. B. STATE 32134

Classified By: Classified by Acting A/S; IO, James B. Warlick;  
1.4(b) and (d)

[1](#)1. (C) THIS IS AN ACTION REQUEST. In response to reftel A, the Department has reviewed the March 26, 2009 UN-drafted paper on the future presence of the UN in Georgia. While interagency discussions regarding U.S. policy towards the UN's presence in Georgia have not concluded, Post should inform the UN at the appropriate level that preliminary U.S. thinking is close to that of the UN with a few important exceptions, including the size of security zones (the U.S. believes they should be more expansive) and our belief that, over time, armed UN police with investigative powers should be introduced. Our goal is to develop a new mandate for UNOMIG that justifies the specific elements of the UN's presence of the type outlined in the UN paper.

#### OBJECTIVES -----

[1](#)2. (C) Post should approach UN officials as soon as possible with the following objectives in mind:

-- Inform UN officials and our European allies (members of the Quad) of preliminary U.S. reaction to the UN-drafted non-paper and general U.S. thinking regarding the future revised mandate in Georgia.

-- Seek UN commitment to: a) release the May Secretary General's report on Georgia well in advance of the due date to allow ample time for negotiations of the renewal resolution; b) continue to keep the U.S. informed of developments as the report is being drafted; and c) ask all parties to work from SRSG Verbeke's draft documents (rather than the French, UK, etc., draft).

-- Solicit UN thoughts on how the revised mandate can be designed and adopted to ensure that the UN mission can effectively carry out an active and robust mandate as well as enjoy the ability to expand/change as necessary in the future.

#### BACKGROUND -----

[1](#)3. (SBU) UN Non-paper: The Department has compiled the following preliminary thoughts regarding the March 26 draft UN non-paper on Georgia.

-- The U.S. appreciates the lead that the UN has taken with regard to the development of a new force for Georgia. While

the U.S. has not yet formally completed its interagency review process, below are some preliminary thoughts on the March 26 non-paper circulated by the UN Department of Peacekeeping (DPKO).

-- With regard to point one (Elements of a security regime), we agree in principle with the security regime proposed in point one with a few exceptions. First, we believe that the symmetrical security zones with full freedom of movement should not be less expansive than those that currently exist.

All of Gali should be included in the zone and if possible, we would like to include Ochamchira. Thus, in addition to the 6km demilitarized zone and the 6-8km restricted weapons zone described in the UN non-paper, an additional 18-20km "confidence zone" should also be included (as originally proposed by the UN). Ultimately we should also try to include a 700 meter zone between border posts on either side of the ceasefire line, and that restrictions/conditions within the zones should apply to all forces. Pending final review, the U.S. would support the other elements of point one, including monitoring in the Kodori Valley.

-- With regard to point two (The UN role and activities), in principle, the U.S. does not disagree with the broad elements outlined under this point as a basis for the new mandate. In addition to these elements, the U.S. would like to emphasize that we believe that over time the UN police force in Georgia should be armed and have investigative powers in order to effectively monitor and contribute to the protection of the local population. Additionally, monitors should be empowered to report "violations" of the August 12 ceasefire agreement and subsequent clarifying instrument of September 8 as well as violations of the security regime (as opposed to reporting on the "respect" for the agreement as called for in the UN paper), and they should have a specific mandate to promote protection of human rights.

-- (SBU) Our ultimate objectives for the UN mission are six-fold: 1) to monitor all military forces within reasonably broad (approximately 25-30 kilometer), symmetrical restricted-weapons zones on both sides of the ceasefire line, and in the Upper Kodori Valley; 2) to monitor the activities of local law enforcement forces and, over time, to co-locate armed UN police in the restricted-weapons zones; 3) to actively create conditions on the ground for the voluntary, safe, and dignified return of internally displaced persons and refugees; 4) to monitor and promote protection of human rights; 5) to coordinate and facilitate the provision of humanitarian aid wherever it is needed; and 6) to promote political dialogue between the parties.

14. (C) Legal Concerns and Options Regarding the Revised Mandate: As the Department has been reviewing the various non-papers (UN, UK, Georgian, French, etc.) on future security arrangements for UNOMIG, there are questions about whether UNOMIG is clearly authorized to perform many elements of these proposed security regimes under its existing mandate (for example, UNOMIG's current mandate does not clearly authorize it to ensure free humanitarian access). Additionally, there is concern that if UNOMIG's mandate were drawn solely from these draft non-papers, UNOMIG would lack the flexibility to respond to changing events on the ground or evolve over time without additional authorities from the Council. We seek, first and foremost, to establish a new legal mandate that would allow UNOMIG to perform the tasks set out by the various non-papers currently being circulated.

-- As we move forward on UNOMIG, the Department would like to ensure that: a) the UN has the legal authority to perform its mission as expeditiously and robustly as possible; b) the parties are legally bound to cooperate (i.e., the Abkhaz cannot block humanitarian access noting that UNOMIG's mandate does not cover this); and c) UNOMIG has room to grow.

While we might not be able to get everything we want in the security arrangement now, we would like the UN to have the authority to refine its mission (within reason) as needed without having to seek additional permission from the

Council. Therefore, the Department would like to receive feedback from Post, the UN, and our European allies on the following:

-- First, on legal authorities:

a) whether over the long term UNOMIG has the legal authority to carry out the activities associated with the various proposed security regimes as robustly and expeditiously as the UN and we might like?

b) if not, which specific parts of the proposed security regime need to be authorized by the Council?

-- Second, focusing on process, we see several options:

a) build on the current mandate by revising the mandate language to clarify mission scope and authority, as well as include additional responsibilities as needed. This could be done via the next renewal resolution, the UN can present the mandate in its next report, and/or the UN could provide this information in a letter to the UNSC. Ideally, the Security Council would reference this language in some way in the June renewal resolution.

b) develop a new mandate using the security regime as a starting point and seek to have it clearly spelled out in the next report and resolution.

c) develop the broad elements of the mandate that will allow for the creation of the specifics of the mission shortly after the new mandate's adoption. Under this latter approach, we would seek to include specific language in the next Secretary General's report that outlines a revised and broad mandate for UNOMIG. Such language would first be adopted by consensus with European allies and then presented to the UN. The Security Council would then (in theory) endorse this language in the next Council resolution in June. Once the broad mandate elements have been embraced by the UN and then adopted by the Council, the UN would devise a security regime (including security zones) and other administrative aspects designed to effectively carry out the mandate. The U.S. and others will have already engaged directly with the UN to influence the design of the security regime.

15. (C) The Department drafted possible mandate language along the lines of the third option described above and has provided it to Georgia, London, Paris, and Berlin for their consideration (reftel B) (we are awaiting reactions). That language will be further refined and cleared interagency before sharing with the UN. The mandate language will draw on language from UNOMIG's previous mandate, as well as other PKO mandates. Additionally, the mandate language seeks to leave room for possible inclusion of South Ossetia in the future as well as an armed UN police force if we are not able to achieve its inclusion in the near term.

16. (C) On a related note, on April 1, 2008, DPKO's Director for Europe and Latin America, David Harland (protect), told Acting Assistant Secretary, James Warlick, that Secretary-General Ban personally passed the UN non-paper to President Medvedev. Although Russia has not formally responded, he said that the Russian Permanent Mission in New York has requested a meeting with DPKO to discuss. Harland added that while the paper crosses Russian redlines as mentioned above, he said that FM Lavrov reportedly told Secretary-General Ban that he thought Russia could work to achieve some compromise. Within the UN, Harland said that there are currently two camps regarding an armed UN force. The maximalists think that an armed force is essential to protect local populations and to carry out the revised mandate. Harland is in the other camp, which believes that asking for an armed force may not be necessary and is not worth risking a possible veto by Russia.

Department Point of Contact  
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17. (U) Please contact IO/UNP K.G. Moore, 202-647-0042,  
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